

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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FRED LEE and ANN LEE,

Case No. 1:20-cv-03191 (MKB)(PK)

Plaintiffs,

-against-

UNION MUTUAL FIRE INSURANCE COMPANY,

Defendant.

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**DECLARATION IN SUPPORT
OF FRED LEE AND ANN LEE'S
MOTION FOR SUMMARY
JUDGMENT**

I, SCOTT AGULNICK, an attorney duly admitted to practice law before this Court, under penalty of perjury and pursuant to 28 U.S.C §1746, declares the following to be true and correct:

1. I am an attorney at law duly licensed to practice in the State of New York and in the Eastern District of New York, and am associated with the law firm of Greenblatt Agulnick Kremin P.C., attorneys for the plaintiffs Fred Lee and Ann Lee ("Lee"), in this action. As such, I am familiar with the facts and circumstances in this matter.

2. This Affirmation is submitted in support of Plaintiffs' Motion for Summary Judgment.

3. Attached as **Exhibit A** is Plaintiffs' Summons and Verified Complaint.

4. Attached as **Exhibit B** is Defendant's Answer.

5. Attached as **Exhibit C** is the October 20, 2021 Affidavit of Plaintiff Fred Lee in support of Plaintiffs' summary judgment motion.

6. Attached as **Exhibit D** is the transcript of the May 4, 2021 deposition of James Lambert.

7. Attached as **Exhibit E** is the NY American Emergency Service report.

8. Attached as **Exhibit F** Round Hill Express' July 12, 2017 inspection report.
9. Attached as **Exhibit G** is the transcript of the June 24, 2021 deposition of Frederick Harper.
10. Attached as **Exhibit H** is the policy issued by Union Mutual Fire Insurance Company to Plaintiffs, Policy No. 314PK-49300-01 (the "Policy"), which includes the application and binder.
11. Attached as **Exhibit I** is the transcript of the April 27, 2021 deposition of Fred Lee.
12. Attached as **Exhibit J** is the State of New York Standard Fire Claim Form submitted to Union Mutual on or about April 28, 2020.
13. Attached as **Exhibit K** are Defendant's Objections and Responses to Plaintiffs' First Demand for Interrogatories.
14. Attached as **Exhibit L** is correspondence from Round Hill Express LLC, dated May 19, 2020, purporting to rescind the Policy.
15. Attached as **Exhibit M** is the Program Managers Agreement. Pursuant to the confidentiality order in this matter, this Exhibit has been marked as, and is deemed by Union Mutual as, confidential.
16. Attached as **Exhibit N** is an e-mail dated July 12, 2017 from Roundhill Express, Inc. advising that the inspection was satisfactory.
17. Attached as **Exhibit O** is Union Mutual Fire Insurance Company renewal policy, Policy No. 314PK-49300-02.
18. Attached as **Exhibit P** is defendant Union Mutual Fire Insurance Company's document production served in connection with this matter.

WHEREFORE, for the reasons explained in the accompany statement of undisputed material facts and the accompanying memorandum of law, Plaintiffs request the Court issue an order granting partial summary judgment in favor of Plaintiffs.

Date: Great Neck, New York
October 25, 2021

Respectfully Submitted,

By: /s/
Scott Agulnick, Esq.

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